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EXAMINER
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BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/753,086

Applicant(s)

HATALKAR, ATUL N.

Examiner

Benjamin R. Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Detailed Action**

Claims 27-42 are pending in this Office Action.

Claims 1-26 are cancelled.

Claims 27, 36 and 33 are amended.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicants amendment to claim 33.

**Response to Arguments**

Applicant's arguments filed in the amendment filed 1/17/07, have been fully considered but they moot in view of new grounds of rejection. The reasons are set forth below.

**Applicant's invention as claimed:**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 27-31, 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,718,551 by Swix et al in view of U.S. Patent No. 5,961,603 by Kunkel et al.**

Regarding claim 27,

The Swix reference teaches a method comprising:

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compiling a first map that associates identifiers of clients in a digital cable broadcast system with identifiers of groups of two or more clients in the digital cable broadcast system (Swix: col. 4, lines 66 – col. 5, line 20; col. 11, lines 23-33; maps clients to profiles);

transmitting the first map to available clients in the digital cable broadcast system (Swix: col. 4, lines 53-57);

compiling a second map in which associations between subscriber identifiers and client group identifiers has been changed (Swix: col. 8, lines 44-54; updated profile);

transmitting the second map to available clients in the digital cable broadcast system (Swix: col. 4, lines 53-57); and

broadcasting digital cable content intended to be accessible by a subset of available clients to all available clients in the digital cable broadcast system (Swix: col. 13, lines 9-49), wherein said broadcasting comprising associating the digital cable content with a first identifier of a first group of two or more clients (Swix: col. 9, lines 17-44); and

The Swix reference fails to state comparing identifiers.

However, the Kunkel reference teaches configuring clients in the digital cable broadcast system to compare the first group identifier with any group identifiers from a most recently received one of the first map and the second map that were associated with an identifier of the client (Kunkel: col. 9, lines 60- col. 10, line 6), to determine if the digital cable content is to be discarded at the client (Kunkel: col. 9, lines 60- col. 10, line 6; ignore content) in order to

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Swix to include discarding data not sharing identifiers as taught by Kunkel in order to send data addressed to specific devices through (Kunkel: col. 12, lines 9-20).

Regarding claim 28, the method of claim 27, further comprising

receiving a definition of a geographic group of two or more clients, wherein the clients in the geographic group are in a geographic area (Swix: col. 3, lines 3-9).

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Regarding claim 29, the method of claim 28, wherein broadcasting the digital cable content comprises broadcasting an advertisement in association with an identifier of the geographic group (Swix: col. 3, lines 3-9).

Regarding claim 30, the method of claim 27, further comprising receiving a definition of a premium content group of two or more clients, wherein the clients in the premium content group pay for premium content (Swix: col. 7, lines 52-66; services purchased; col. 9, lines 48-52).

Regarding claim 31, the method of claim 30, wherein broadcasting the digital cable content comprises broadcasting premium content in association with an identifier of the premium content group (Swix: col. 12, lines 22-57).

Regarding claim 34, the method of claim 27, wherein compiling the second map comprises compiling the second map to associate identifiers of clients with an identifier of a new group that has been added since broadcast of the first map (Swix: col. 8, lines 44-54; updated profile).

Regarding claim 35, the method of claim 27, wherein compiling the second map comprises:  
    accessing a client profile database that includes information that profiles clients in the digital cable broadcast system (Swix: col. 8, lines 55-65); and  
    changing the associations between subscriber identifiers and client group identifiers based on the information included in the client profile database (Swix: col. 8, lines 45-65).

Regarding claim 36, a broadcast system (Swix: col. 6, lines 26-38) comprising:  
    a data transmission network (Swix: Fig. 1);  
    a head end (Swix: col. 6, line 28) comprising  
        a map that associates identifiers of clients in the broadcast system with identifiers of groups of two or more clients in the broadcast system (Swix: col. 3, lines 65- col. 4, line 14),

logic to associate content that is to be broadcast with an appropriate group identifier (Swix: col. 4, lines 53-57), and

a transmitter to broadcast the content and transmit the map over the data transmission network even when the content is intended to be accessible only by a subset of available clients in the broadcast system (Swix: col. 4, lines 53-65); and

a collection of clients (Swix: Fig. 1, tag 108), each client comprising

a receiver to receive the broadcast content and the map from the head end over the data transmission network (Swix: col. 4, lines 53-65),

logic to identify groups to which the client belongs from the received map (Swix: col. 9, lines 17-44), and

The Swix reference fails to state comparing identifiers.

However, the Kunkel reference teaches logic to compare group identifiers associated with received broadcast content to group identifiers of any identified groups to determine if the broadcast content is to be accessible (Kunkel: col. 9, lines 60- col. 10, line 6) in order to

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Swix to include discarding data not sharing identifiers as taught by Kunkel in order to send data addressed to specific devices through (Kunkel: col. 12, lines 9-20).

Regarding claim 37, the broadcast system of claim 36, wherein the broadcast system comprises a digital cable broadcast system (Swix: col. 6, lines 8-24).

Regarding claim 38, the broadcast system of claim 36, wherein the head end further comprises:

a client profile database that includes information that profiles clients in the broadcast system (Swix: col. 8, lines 55-65); and

logic to compile the map based, on client profiles in the client profile database (Swix: col. 55- col. 9, line 2).

Regarding claim 39, the broadcast system of claim 36, wherein the head end further comprises:

logic for changing the map associations between client identifiers and client group identifiers (Swix: col. 8, lines 45-54).

Regarding claim 40, the broadcast system of claim 36, wherein the map comprises a definition of a geographic group of two or more clients, wherein the clients in the geographic group are in geographic area (Swix: col. 3, lines 3-10).

Regarding claim 41, the broadcast system of claim 36, wherein the map comprises a definition of a premium content group of two or more clients, wherein the clients in the premium content, group pay for premium content (Swix: col. 12, lines 22-57).

**Claims 32-33, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,718,551 by Swix et al in view of U.S. Patent No. 5,961,603 by Kunkel et al in further view of U.S. Patent No. 7,039,932 by Eldering et al.**

Regarding claim 32,

the Swix reference the method of claim 27. The Swix reference does not explicitly state child-containing household. However the Eldering reference teaches, further comprising receiving a definition of a child-containing household group of two more clients, wherein the clients in the child-containing household group report children present in the household (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Swix to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

Regarding claim 33,

the Swix reference teaches the method of claim 32. The Swix reference does not explicitly state child-containing household. However the Eldering reference teaches, wherein broadcasting the digital cable content comprises broadcasting a catalog of toys in association

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with an identifier of the child containing household group (Swix: col. 9, lines 16-31; Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Swix to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

Regarding claim 42,

the Swix reference teaches the broadcast system of claim 36. The Swix reference fails to teach child-containing household. However, the Eldering reference teaches, wherein the map comprises a definition of a child-containing household group of two or more clients, wherein the clients in the child-containing household group report children present in the household (Swix: col. 9, lines 16-31; Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Swix to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

#### **Prior Art**

U.S. Patent No. 20010013121 by Kimball et al teaches authorizing groups of subscribers to access broad pay per view content with keys and identifiers.

U.S. Patent No. 7,099,348 by Warwick teaches identifiers that target broadcast information to specific subsets of set top boxes.

#### **REMARKS**

Applicant amended claim 33 to remove the 112, second paragraph rejection and amended claims 27 and 36 to distinguish from the art. The language between the two independent claims



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seems to be diverging slightly. Claim 36 states 'content is intended to be accessible only by a subset...' wherein claim 27 states the content is "intended to be accessible by a subset..." which is a difference. Also claim 27 claims 'broadcasting content over the system' and claim 36 is 'broadcasting content to all available clients in the digital cable broadcast system.'

The examiner apologizes for the confusing header/mapping of rejections and appreciates applicant's remark verifying understanding of claim 36-41 as anticipated (102) by Swix et al.

On a side and minor note, claim 33's status identifier was not correct because of the amendment changing dependency but it is clear based on the visible amendment and remarks.

**The Applicant Argues:**

Claims 27 and 36 are allowable.

**In response**, the examiner respectfully submits:

Regarding claim 27, the Swix and Kunkel references read on the claim language. Broadcasting digital cable content intended to be accessible by a subset of clients is shown in Fig. 5 where the different set top boxes, in different demographic and profile groups, are switched to different streams to view targeted and different advertisements. The programming and advertisements broadcast on channels 512, 514, 516 and 518 is content broadcast but only accessible to those boxes in preferred groups/profiles. Kunkel is relied upon to show the comparing logic that broadcast data not matching session and device Ids are ignored and discarded.

Regarding claim 36, the Swix and Kunkel references still read on the claim language. The transmitter broadcasts the content intended to be accessible only by a subset of available clients in the system as shown in Fig. 5 in which clients in certain demographic and profile groups are switched to different streams to view targeted and different advertisements. The programming and advertisements broadcast on channels 512, 514, 516 and 518 is content broadcast content but only accessible to those boxes in preferred groups/profiles. Applicant argues Swift set top boxes retrieve data by pulling content through 'Interactive Session' and switching and pulling through 'Broadcast Environment' described in Swift but the examiner maintains that applicant's broad definition about how data is 'accessible' is too broad. Further the logic to compare and find relevant accessible data is taught in the combination with Kunkel.

The examiner suggests language that distinguishes broadcast content that has matching identifiers versus broadcast content that does not match with more detail than 'accessible.' By applicant's remarks more client side action based on the comparing and matching IDs would help to distinguish.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER